

Minutes
Waukesha County Criminal Justice Collaborating Council
Executive Committee
February 14, 2011

Davis called the meeting to order at 8:33 a.m.

Committee Members Present: Judge Mac Davis, Jim Dwyer, Brad Schimel, Dan Vrakas, Peter Schuler, Sam Benedict.

Also Present: Rebecca Luczaj, Mike Giese, Vanessa Allen, Clara Daniels, Karen Phillips, Laurel Walker, Sarah Spaeth, Tom Farley, Dick Manke.

Approve Minutes from December 13, 2010 Meeting

The minutes of December 13, 2010 were approved without objection.

Update on National Criminal Justice Coordinating Council Network Application

Luczaj distributed a handout, *National CJCC Network Project Abstract/2011 National CJCC Network Member List*. Waukesha County was not selected to participate; however, the Eau Claire County CJCC was one of twelve CJCCs nationwide chosen for National CJCC Network membership. CJCC Coordinator Tiana Glenna has already been in contact with other statewide coordinators to collect information that she can share with the network, including successes and obstacles experienced. Luczaj sent an email to the president of the Justice Management Institute requesting feedback as to why Waukesha County was not chosen and will report to the committee once a response is received.

Update on 1/18 “Evidence-Based Responses to Alcohol & Drug Use” Presentation

Luczaj stated that a total of 49 people attended the presentation given by Dr. Richard Brown. She and Schimel indicated they have received much positive feedback on the presentation. Schimel noted that it was especially beneficial for the Drug Abuse Trends Committee, as it provided insights and focus from which to move forward. Benedict asked whether the presenter has made the PowerPoint presentation available. Luczaj stated she does have an electronic copy and would forward it upon request.

Update on Litigation Involving CJCC Pretrial Programs

Schimel stated that motions filed so far have been primarily from one criminal defense attorney; however, he has met with a number of members of the criminal defense bar and feels that if changes do not occur involving pretrial programs, there will be many more motions filed. A primary complaint is that the system does not give their clients enough of an incentive to participate in the programs, especially those clients who have to pay. After further research and examination of the legal implications, Schimel stated he has already implemented one change: bail-jumping charges will no longer be filed in cases where the only violation is a WCS monitoring related violation. WCS is agreeable with this change.

Another issue raised relates to the interpretation of subchapter 85.53 of the State Statutes, which addresses the Pretrial Intoxicated Driver Intervention Grant Program. There is some debate as to whether participation in the programs may be voluntary. Schimel has interpreted 85.53 as having a voluntary component to it. Conditions may be imposed at bail, but there is language that refers to choices that a defendant has to participate in the program. There is limited leverage available - for instance, the maximum bail that can be imposed for a second offense OWI \$1,100. Many private defense bar clients would rather pay the \$1,100 rather than deal with the trouble that the monitoring program brings for them. Many of their clients have daytime jobs and may have lost their driving privileges. The defense attorneys would like greater flexibility within the programming, e.g. additional

screening opportunities offered during evening (second shift) and weekend hours. They also do not like that defendants must all do the same thing, no matter what their level of addiction or lack thereof may be. The defense attorneys view WCS as more acceptable for those clients who do not have an addiction problem but rather are irresponsible and being reckless by drinking and driving. Treatment is desirable for those clients with addiction issues, and these clients most often are able to afford to pay for such treatment. The defense attorneys feel they have a better plan for getting their clients rehabilitated than what WCS is offering. They do not think their clients are given enough credit/reward for success in WCS monitoring programs. Schimel explained he is exploring ways to make adjustments in the short term. He is looking at making changes in the DA's recommendations that offer a greater reward for successful participation in the WCS Intoxicated Driver Intervention Program. Ultimately, a long term solution must be determined which is also acceptable to the courts.

Luczaj suggested the aforementioned issues be agendaized for discussion by the CJCC Pretrial Subcommittee.

Benedict said this is an encouraging step, and that moving the pre-conviction programs to more of a diversion/reward incentive based program is a good decision. He noted that the Public Defender's Office has not been involved in any of the meetings with the defense bar as previously discussed by Schimel. Benedict said he observed other legal issues surfacing as a result of changes the DA's Office is making in regard to the impact on the unemployed, low income and indigent people who cannot afford to post bail.

Davis emphasized that no Waukesha judge has ruled on any of the motions filed thus far. He stated that the motions are being filed mainly by someone who wants to destroy the program. There are legal questions about the interpretation of statutory mandates that are still unresolved. The fact that bail-jumping charges won't be filed is a non issue as far as impact on the CJCC program contract; however, there is an impact with regard to public safety if more defendants refuse to comply or opt out of monitoring while their case is pending. While legal issues will be addressed and the requirements met, it is of the utmost importance to keep in mind that this is a CJCC program.

Dwyer acknowledged the great deal of time and effort Schimel and others have put into this issue thus far. He suggested a meeting be held with stakeholders to resolve these issues and move forward.

Update on Formation of Juvenile Center Workgroup

Vrakas referred to Farley, who is the Juvenile Center Workgroup Chair. Farley gave a brief background of the origins of the Juvenile Center Workgroup. The County Board directed a budget objective for Health and Human Services to work with DOA budget staff to explore study and develop a report with recommendations regarding potentially more cost effective alternatives and options for Juvenile Center placements and uses including collaboration or cooperative agreements with other county juvenile center facilities and programs, to be completed by May 2011. The reason for this budget objective was primarily because the tax levy subsidy for the Juvenile Center has increased by 50 percent and the daily population of the Juvenile Center has decreased by 50 percent since 2000. Staffing was an average of 1.5 person per child in 2000; 2011 staffing estimates are nearly 3 staff per child. Expenditures and tax levy dollars have more than doubled since 2000. The workgroup will review whether or not there is a more cost effective way to approach how the County deals with secure and non secure activities at the Juvenile Center. They will explore the concept of privatization and outsourcing, and increasing the use of the existing juvenile facility.

Farley reviewed the membership of the workgroup which includes several of HHS staff, DOA fiscal staff, and the County Executive's Chief of Staff. By request, a representative of the Courts and

Juvenile Center have been invited to participate (Judge Bohren and Kelly Haag). Farley stated a couple of meetings have been held so far, and he expects there to be several more. He speculated that the May 2011 deadline would be hard to comply with, considering the larger size of the workgroup.

Davis expressed his disappointment that there was no thought of including a juvenile court judge or juvenile court clerk until he asked for it. There was also no request for the CJCC to be involved. Farley assured that it was probably just an oversight, as many of the budget objectives are staff-only objectives. He stated that the workgroup would very much appreciate any input from the CJCC and the courts.

Benedict stated that the Public Defender's Office was invited to participate in the workgroup and has accepted. He commented that it is important for the juvenile court judge to participate but noted the judge has not been in attendance thus far. Dwyer requested that Farley set meeting dates in advance and distribute the list to all involved to allow them to reserve time on their calendars. Farley agreed to do so. Davis asked to be included on the distribution list for the meeting minutes.

Discuss & Consider Office of Justice Assistance (OJA) Grant Application for CJCC's

- Mental Health Screening & Service Referral in the Jail?
- Mental Health Diversion Court?
- Formal Evaluation of Criminal Justice Population w/ Special Focus on Mental Health?

Luczaj distributed and reviewed a handout outlining the details of the grant titled *JAG Criminal Justice Coordinating Councils (2009)*. The application is due March 3, 2011. Waukesha County qualifies to apply under the implementation category for up to \$100,000 for a one-year grant. The focus under the implementation category would be any project the CJCC would like to pursue, but not to supplant any current expenses; however it could be used to enhance an existing program. Special consideration will be given to projects addressing mental health issues in the criminal justice population.

Luczaj stated she participated in a conference call with other Wisconsin CJCCs and the OJA. She was informed that it would be acceptable for several CJCCs to join together on an application for technical assistance with data collection, which will not prevent submission of an individual application for funding as well.

Foster was present to discuss her ideas for use of the grant funding to target the segment of population with mental health issues thereby reducing the number of emergency detentions (EDs) in the County. At the suggestion of Shirlee Bedard, she proposed having CIT (Crisis Intervention Team) training for business professionals/owners, to address the challenges of dealing with mentally ill customers, especially in the City of Waukesha. She proposed utilizing an enhancement to the screening process in the jail for mental health history and the development of a listserv for law enforcement officers to facilitate on-going information exchange of their contacts with individuals with mental health issues.

Luczaj discussed the application process and stated she would have assistance from HHS staff in completing the extensive application. As a requirement, a letter of support from each member of the CJCC must be submitted. Foster offered to garner additional letters of support.

MOTION: Vrakas moved, second by Dwyer, to approve submission of an application for the JAG Criminal Justice Coordinating Councils grant. Motion carried by unanimous consent

Discuss & Consider Appointing Sarah Spaeth as Chairperson of Education & Public Relations Committee

Luczaj stated there has not been a new chairperson appointed since the retirement of Marcia Jante almost a year ago. A replacement for Jante as the UW-Extension director has not yet been hired. Spaeth has a background and experience in marketing and public relations, and she is willing to take over as chairperson of the Education & Public Relations Committee.

MOTION: Schuler moved, second by Dwyer, to approve the appointment of Sarah Spaeth as chairperson of the Education & Public Relations Committee. Motion carried by unanimous consent.

Update on National Center for DWI Courts Academy Court Application

Luczaj reported that an application was submitted but Waukesha County was not selected to be an Academy Court. Four courts (one of which is in Michigan) were selected from the more than 40 applications submitted. Feedback on our application indicated that Waukesha County was not selected because we do not have law enforcement or treatment provider representation on our ATC staffing team. After brief discussion the committee agreed that the ATC is functioning very well with the existing staffing team and would not pursue changing it for the purpose of reapplying for the grant in the future.

Discuss 2011 CJCC Strategic Planning

Luczaj noted it has been about two years since the last strategic planning session. She suggested holding a smaller, half-day session this year for CJCC members only. The CJCC vision and mission statements will be reviewed and reexamined. Citizens Bank of Mukwonago has a training room available free of charge. Schuler suggested Rob Henken from the Public Policy Forum as the facilitator. Dwyer suggested holding the meeting in May or early fall in order to avoid conflicts with County budget planning and summer vacations. Luczaj will follow-up on possible available dates.

Update on CJCC Membership Change

Chief Russell Jack of the City of Waukesha Police Department will replace Chief Paul Geiszler as the rotating Police Chiefs' Association member of the CJCC.

Update on 2/3 Alcohol Treatment Court Visit from Rock County

Staff from Rock County visited Waukesha County on February 3 to observe the ATC and talk with staff and WCS case managers. Rock County is considering the implementation of an alcohol court.

Update on 2/23 Visit to Ozaukee County CJCC

At the invitation of CJCC Coordinator Carol Bralich, Davis and Luczaj will appear at the February 23rd Ozaukee County CJCC meeting to speak about the importance of buy-in and investment from stakeholders for a successful CJCC.

Next CJCC Executive Committee Meeting

Monday, March 14, 2011 @ 8:30 am, Room G55

Next CJCC Meeting

Wednesday, March 23, 2011 @ 8:30 am, Room C179

The meeting adjourned at 10:00 a.m.